IN THE UNIT	ΓED STΑΊ	ES DIST	RICT CO	URT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN MAYER, individually and as trustee of the May 1991 Charitable Unitrust, NANCY MAYER, individually and as trustee of the Mayer 1991 Charitable Unitrust,

No. C 12-04888 WHA

Plaintiffs,

v.

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LEXINGTON INSURANCE COMPANY. a Delaware corporation, and DOES 1 through 20, inclusive.

Defendants.

ORDER GRANTING UNOPPOSED MOTION FOR LEAVE TO FILE AN AMENDED ANSWER

On February 25, 2013, defendant Lexington Insurance Company filed a motion for leave to file an amended answer. The motion was made several days before the deadline for seeking leave to amend set by the case management order (Dkt. No. 16). The proposed pleading adds seven additional affirmative defenses. According to defendant, plaintiffs were willing to stipulate to all by one of the additional defenses. Defendant claims that the additional defenses are based on newly discovered evidence regarding the alleged criminal convictions of the principals of JSW Financial, Inc., a company through which plaintiffs allegedly made a series of investments and which is insured by defendant. The information was not available to defendant prior to filing its answer, and defendant was not on notice of such information based on the allegations in the complaint.

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Plaintiffs' opposition or statement of non-opposition to the motion was due on March 11.
That date has come and gone, and no response has been received. Accordingly, and for good
cause shown, defendant's motion for leave to file an amended answer is GRANTED . Defendant
must file the amended pleading by MARCH 20. The hearing scheduled for April 11 is VACATED

IT IS SO ORDERED.

Dated: March 19, 2013.

